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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ROBERT VAN ORDEN,
Plaintiff,

vs.

BENEFIS HEALTH SYSTEM, INC.
Defendant.

)
) **Cause No. CV-11-26-SEH**
)
)

) **UNOPPOSED MOTION TO**
) **VACATE HEARING AND**
) **DISMISS ACTION**
)
)
)

COMES NOW Robert Van Orden, Plaintiff, and moves the Court to vacate the hearing on Defendant Benefis' Motion to Dismiss set for 10:00 a.m. on Friday, December 27, 2013, and further to dismiss the case with prejudice as to all claims but the class action claims, which shall be dismissed with prejudice as to Robert Van Orden and without prejudice as to any other putative class members, each

party to bear their own costs and attorney fees, on the grounds that the parties have fully and finally settled Robert Van Orden's claims against Benefis.

This settlement discharges Robert Van Orden's specific claims and his rights to participate in, benefit from, and serve as class representative in any class action against Benefis based on its billing practices relating to TRICARE beneficiaries but does not bind any other potential class members. Therefore, hearing on and approval of the settlement is not required under Rule 23(e), F.R.Civ.P.

Counsel for Van Orden has consulted with counsel for Benefis, who have advised that Benefis does not object to the motion and joins in it.

Respectfully submitted this 23rd day of December, 2013.

/s/ Allen P. Lanning
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